

## Message Text

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ORIGIN ARA-20

INFO OCT-01 ISO-00 AGR-20 EB-11 L-03 SAB-01 AID-20 IGA-02

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DRAFTED BY ARA/ECP:JLANDBERG:LM

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ARA/PAN - RHOWARD (DRAFT)

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P 262337Z MAR 74

FM SECSTATE WASHDC

TO AMEMBASSY PANAMA PRIORITY

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E.O. 11652: N/A

TAGS: EAGR, PN

SUBJECT: FMD AMENDMENT

REF: STATE 58243, LANDBERG-DANIELS PHONCON OF MARCH 25

FOR CHARGE FROM SZABO

1. AS DISCUSSED IN REFERENCED PHONCON, IT IS MOST IMPORTANT THAT PRIOR TO ARRIVAL OF TEAM FROM WASHINGTON, EMBASSY OBTAIN CLARIFICATION FROM FOREIGN OFFICE AND MIDA WITH REGARD TO HOW THEY EXPECT THE PROPOSED FMD PROGRAM TO BE ADMINISTERED. THE ORIGINAL DRAFT AMENDMENT WRITTEN IN SEPTEMBER, 1973 WOULD HAVE ESTABLISHED A JOINT U.S.-PANAMANIAN COMMISSION, WITH ITS OWN EMPLOYEES AND BUDGET, DIRECTLY RESPONSIBLE FOR ADMINISTERING THE FMD PROGRAM. THE REVISED VERSION REPORTED IN PANAMA'S 1075 IS UNCLEAR AND UNSPECIFIC, INDICATING IN SOME PLACES THAT MIDA WILL BE RESPONSIBLE AND IN OTHER PLACES THAT A "TECHNICAL EXECUTIVE COMMITTEE" (TEC) WILL PLAY A ROLE.

MOREOVER, WHO IN MIDA WOULD HAVE AUTHORITY OVER THE PROGRAM AND WHAT WOULD BE THE RELATIONSHIP BETWEEN THE MIDA

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PERSONNEL AND THE PERSONNEL OF THE TEC IS NOT STATED.

2. THIS LACK OF CLARITY MAY SIMPLY REPRESENT POOR DRAFTING OR IT MAY INDICATE THAT THE FOREIGN OFFICE AND MIDA HAVE NOT THOUGHT OUT HOW THE PROGRAM WOULD ACTUALLY BE ADMINISTERED. ON THE OTHER HAND, IT SEEMS POSSIBLE,

ESPECIALLY IN VIEW OF THE COMMENTS EXPRESSED IN THE FOREIGN OFFICE'S MEMO TO MIDA ON THIS SUBJECT, THAT THE FOREIGN OFFICE OBJECTS TO A JOINTLY DIRECTED U.S.-PANAMANIAN ORGANIZATION WITH REAL AUTHORITY TO DIRECT THE PROGRAM AS BEING INCOMPATIBLE WITH PANAMANIAN SOVEREIGNTY.

3. WHETHER THE FMD PROGRAM IS TO BE JOINTLY DIRECTED BY THE U.S. AND PANAMA, OR WHETHER IT IS TO BE A PANAMANIAN-DIRECTED PROGRAM, WITH U.S. ADVISORS, NEEDS TO BE DECIDED BEFORE THE SPECIFIC PROVISIONS OF THE AMENDMENT CAN BE FORMULATED. THE EMBASSY SHOULD THEREFORE INQUIRE OF MIDA WHAT ADMINISTRATIVE "MODEL" IT ENVISAGES FOR THE FMD PROGRAM. IF THE FOREIGN OFFICE IS THINKING IN TERMS OF A JOINTLY ADMINISTERED PROGRAM, WITH CO-DIRECTORS WHO HAVE THE AUTHORITY TO DIRECT, IMPLEMENT AND COORDINATE WITH OTHER GOP AGENCIES, THEN THE PRESENT VERSION DOES NOT SAY THAT, AS WE HAVE INDICATED IN PARAGRAPH 5 BELOW.

4. IF THE FOREIGN OFFICE OBJECTS TO "JOINT" ADMINISTRATION, THEN WE ARE PREPARED TO ACCEPT AN AMENDMENT WHEREBY THE PROGRAM WOULD BE ADMINISTERED BY MIDA WITH THE U.S. PLAYING AN ADVISORY ROLE. IN THIS CASE IT WOULD BE NECESSARY TO SPELL OUT WHAT ORGANIZATION WITHIN MIDA WOULD BE DIRECTLY RESPONSIBLE FOR MANAGING THE FMD PROGRAM, WHAT WOULD BE ITS COORDINATING AUTHORITY OVER OTHER GOP AGENCIES INVOLVED, AND WHAT THE ROLE OF THE U.S. ADVISOR WOULD BE. IT MIGHT ALSO BE NECESSARY TO DESCRIBE IN MORE DETAIL THE TECHNICAL ASPECTS OF THE PROGRAM. SUCH DETAILS COULD BE WORKED OUT BY THE TEAM FROM WASHINGTON IN DISCUSSIONS WITH MIDA AND THE FOREIGN OFFICE, ONCE THE FUNDAMENTAL PRINCIPLE IS AGREED UPON. AS INDICATED PREVIOUSLY, WE CONSIDER IT URGENT TO LIMITED OFFICIAL USE

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IMPLEMENT THE FMD PROGRAM, AND TEAM WISHES TO MEET WITH MIDA AND FOREIGN OFFICE OFFICIALS AS SOON AS POSSIBLE, PREFERABLY ARRIVING APRIL 3 AND BEGINNING DISCUSSIONS APRIL 4.

5. FOR THE EMBASSY'S INFORMATION WE ARE PROVIDING BELOW SOME EXAMPLES OF AMBIGUITY OR LACK OF CLARITY IN THE REVISED VERSION OF THE AMENDMENT WHICH MAKE IT AN

INADEQUATE BASE FOR AN EFFECTIVE FMD PROGRAM. WE ARE NOT ASKING THE EMBASSY TO CLARIFY OR NEGOTIATE ANY OF THESE POINTS WITH THE GOP AT THIS TIME. THIS COULD BE ACCOMPLISHED BY THE TEAM FROM WASHINGTON.

A. SECTION A1. THE FIRST PARAGRAPH OF THIS SECTION STATES THAT PERSONNEL OF THE (JOINT) COMMISSION AND THE

NATIONAL GUARD WILL POLICE, PATROL AND INSPECT THE INSPECTION ZONE, WHILE PARAGRAPH 3 OF THE SAME SECTION STATES THAT MIDA WILL TAKE THE NECESSARY STEPS TO KEEP THE INSPECTION ZONE FREE OF UNAUTHORIZED LIVESTOCK AND ANIMAL PRODUCTS. IN OTHER WORDS, THREE SEPARATE ORGANIZATIONS ARE TO BE INVOLVED IN THIS ZONE, BUT THERE IS NO INDICATION OF WHO HAS OVERALL AUTHORITY NOR ANY PROVISION FOR HOW THEIR ACTIVITIES ARE TO BE COORDINATED.

B. SECTION A2. THIS SECTION STATES THAT "MIDA SHALL TAKE THE NECESSARY STEPS TO PREVENT LIVESTOCK FROM LEAVING THE CONTROL ZONE UNLESS IT MEETS THE REQUIREMENTS RECOMMENDED BY THE TEC." THIS IMPLIES THAT MIDA COULD DISREGARD THE RECOMMENDATIONS OF THE TEC. WHO IN MIDA WOULD MAKE SUCH A DECISION IS NOT STATED. WHO PAYS FOR THE MIDA PERSONNEL AND HOW THEY WILL COORDINATE WITH THE TEC PERSONNEL IS ALSO NOT STATED.

C. THE THRUST OF SECTIONS A3, A4, A5 AND A6 IS THAT MIDA WILL CARRY ON FMD ACTIVITIES AND THE TEC WILL MAKE RECOMMENDATIONS WHICH MIDA WILL "KEEP IN MIND." THE U.S. WOULD HAVE NO RECOURSE IF THE RECOMMENDATIONS OF THE TEC ARE IGNORED. WHO WILL PAY THE MIDA PERSONNEL THAT WILL CARRY ON THESE ACTIVITIES IS ALSO NOT STATED, LIMITED OFFICIAL USE

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ALTHOUGH THE IMPLICATION IS THAT THEY WOULD BE PAID FROM THE JOINT COMMISSION'S FUNDS. THE WORDING OF THESE SECTIONS DOES NOT SUBSTANTIATE THE VIEW THAT THE TEC WOULD, IN THIS REVISED VERSION OF THE AMENDMENT, BE IN CONTROL OF THE FMD PROGRAM. RUSH

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